IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Richard Stogsdill, Nancy Stogsdill, Mother of Richard Stogsdill, Robert Levin, and Mary Self, Mother of Robert Levin, Plaintiffs, vs. Anthony Keck and the South Carolina Department of Health and Human Services, Defendants.	C/A No. 3:12-cv-0007-JFA **ORDER**

This matter is before the Court on Plaintiffs' motion to reconsider. (ECF No. 138). Plaintiffs have moved for relief in their motion under Rule 59(e); however, as motions to reconsider are not expressly contemplated by the Federal Rules of Civil Procedure, the Court will treat this motion as a Rule 54(b) motion to revise its Order.[1]

The Fourth Circuit has offered little guidance on the standard for evaluating such a motion, but has held motions under Rule 59(b) are "not subject to the restrictive standards" of motion under Rule 60. *Fayetteville Investors v. Commercial Builders, Inc.*, 936 F.2d 1462, 1472 (4th Cir. 1991) (the Court found it "unnecessary to thoroughly express our views on the interplay of Rules 60, 59,

[1] The Fourth Circuit has held a motion to reconsider an interlocutory order is properly considered under Rule 54(b), though "it is not necessary to label under a particular rule number a motion for reconsideration of an interlocutory order." *Fayetteville Investors v. Commercial Builders, Inc.*, 936 F.2d 1462, 1470-72 (4th Cir. 1991). Rule 59(e) is an inappropriate vehicle because the order in question is not a final judgment. *Id.* at 1469.

and 54."). Having been admonished not to use the standards for a Rule 60 motion, the Court turns to cases involving Rule 59 for guidance.

Motions under Rule 59 are not to be made lightly: "[R]econsideration of a previous order is an extraordinary remedy, to be used sparingly in the interest of finality and conservation of judicial resources." 12 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶ 59.30[4] (3d ed.). The Fourth Circuit has held such a motion should be granted only for three reasons: (1) to follow an intervening change in *controlling* law; (2) on account of new evidence; or (3) "to correct a *clear error of law* or prevent manifest injustice." *Hutchinson v Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (emphasis added). Rule 59 motions "may not be used to make arguments that could have been made before the judgment was entered." *Hill v Braxton*, 227 F.3d 701, 708 (4th Cir. 2002). Further, Rule 59 motions are not opportunities to rehash issues already ruled upon because a litigant is displeased with the result. *See Tran v. Tran*, 166 F.Supp.2d 793, 798 (S.D.N.Y. 2001).

Having reviewed the pleadings related to this motion, the Court finds oral argument would not aid in its decision-making process. In the view of this Court, the motions presents neither new controlling law, nor new evidence, nor points out a clear legal error of this Court – the motion is basically an attempt to reargue issues already fully briefed and decided by this Court.

For the foregoing reasons, the motion to revise the judgment is **DENIED**.

IT IS SO ORDERED.

Joseph F. Anderson, Jr.

December 15, 2014
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge